

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/629,148	SHAH ET AL.	
	Examiner Huy D. Nguyen	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 7/29/2003.
2.  The allowed claim(s) is/are 1-12.
3.  The drawings filed on 29 July 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 05232005 03/29/2004
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*E. L. Moise*  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven J. Gelman on 5/16/2005.

The application has been amended as follows:

Claims 2, 8, 13-20 have been canceled.

Claim 1, line 2: after "at least one", "local" has been deleted; After "wireless", -- local area -- has been inserted.

Claim 1, line 2: after "network", -- (WLAN) -- has been inserted.

Claim 1, line 2: after "and for", -- ad hoc -- has been inserted.

Claim 1, line 5: after "base station,", "wireless local network" has been deleted; -- WLAN -- has been inserted.

Claim 1, line 6: after "communications with", "local network" has been deleted; -- WLAN -- has been inserted.

Claim 1, line 7: after "WTRUs;", "and" has been deleted.

Claim 1, line 10: after "received from", "local network" has been deleted; -- WLAN -- has been inserted.

Claim 1, line 11: after "switched to a", "local network" has been deleted; -- WLAN -- has been inserted.

Claim 1, line 13: after “from such”, “local network” has been deleted; -- WLAN -- has been inserted.

Claim 1, line 16: after “communications with a”, “local network” has been deleted; -- WLAN -- has been inserted.

Claim 1, line 18: after “received from a”, “local network” has been deleted; -- WLAN -- has been inserted.

Claim 1, line 20: after “service level”, “.” has been deleted; And the following language has been inserted: -- ; and said transceiver controller is further configured to selectively control wireless communications with WLAN base stations based on communication signals received from other WTRUs such that:

a WLAN communication is switched to another WTRU when communication signals received from such other WTRU indicates a third predetermined quality of service level is available therefrom, and

a WLAN communication is sought to be established when a communication with another WTRU indicates that at least a fourth predetermined quality of service level is no longer available therefrom and no communication signals are received from other WTRUs that indicate availability of the third predetermined quality of service level. --.

Claim 3, line 1: after “invention of claim”, “2” has been deleted; -- 1-- has been inserted.

Claim 7, line 2: after “at least one”, “local” has been deleted;

Claim 7, line 3: after “wireless”, -- local area -- has been inserted; After “local area network”, -- (WLAN), -- has been inserted.

Claim 7, line 7: after “base station,”, “wireless local network” has been deleted; -- WLAN -- has been inserted.

Claim 7, line 7: after “communications with”, “local network” has been deleted; -- WLAN -- has been inserted.

Claim 7, line 9: after “WTRUs;”, “and” has been deleted.

Claim 7, line 11: after “received from”, “local network” has been deleted; -- WLAN -- has been inserted.

Claim 7, line 13: after “switched to a”, “local network” has been deleted; -- WLAN -- has been inserted.

Claim 7, line 15: after “from such”, “local network” has been deleted; -- WLAN -- has been inserted.

Claim 7, line 18: after “communications with a”, “local network” has been deleted; -- WLAN -- has been inserted.

Claim 7, line 20: after “received from a”, “local network” has been deleted; -- WLAN -- has been inserted.

Claim 7, line 22: after “service level”, “.” has been deleted; And the following language has been inserted: -- ; and selectively controlling wireless communications with WLAN base stations based on communication signals received from other WTRUs such that:

a WLAN communication is switched to another WTRU when communication signals received from such other WTRU indicates a third predetermined quality of service level is available therefrom, and

a WLAN communication is sought to be established when a communication with another WTRU indicates that at least a fourth predetermined quality of service level is no longer available therefrom and no communication signals are received from other WTRUs that indicate availability of the third predetermined quality of service level.--.

Claim 9, line 1: after “invention of claim”, “8” has been deleted; -- 7-- has been inserted.

2. The following is an examiner’s statement of reasons for allowance:

Regarding claims 1 and 7, Moon et al. (U.S. Patent No. 6,804,532 B1) teaches a wireless transmit/receive unit (WTRU) for communication in a wireless mobile network, at least one wireless local area network (WLAN), and for peer to peer wireless communications with other WTRUs, comprising: selectively operable transceiver components that are configured for wireless mobile network communications with mobile network base stations (e.g., wireless communications with base station 18 – see column 13, lines 49-52), WLAN communications with WLAN base stations (e.g., wireless communications with access point 30 – see column 13, lines 21-24), and wireless peer to peer communications with other WTRUs (e.g., wireless communications with other mobile stations 20 – see column 6, lines 3-6); a transceiver controller configured to selectively control wireless communications with mobile network base stations (e.g., base station 18) based on communication signals received from WLAN base stations or other WTRUs such that:

a wireless mobile network communication is switched to a WLAN base station (e.g., access point 30) or other WTRU when wireless communication signals received from such WLAN base station or other WTRU indicates a first predetermined quality of service level (e.g.,

the high link quality – see column 14, line 49) available therefrom (see column 14, lines 44-56), and

a wireless mobile network communication is sought to be established when a wireless communication with a WLAN base station or other WTRU indicates that at least a second predetermined quality of service level is no longer available therefrom (e.g., when the link quality of the WLAN link decreases below the high threshold – see column 14, lines 60-61) and no communication signals are received from a WLAN base station or other WTRU that indicate availability of the first predetermined quality of service level (e.g., when the link quality of the WLAN link decreases below the low threshold - see column 14, lines 57-66).

However, the closest prior arts, Moon et al., Eaton et al. (US 6,888,811), and Byrne (US 5,737,703), either singularly or in combination, fail to teach that transceiver controller is further configured to selectively control wireless communications with WLAN base stations based on communication signals received from other WTRUs such that:

a WLAN communication is switched to another WTRU when communication signals received from such other WTRU indicates a third predetermined quality of service level is available therefrom, and

a WLAN communication is sought to be established when a communication with another WTRU indicates that at least a fourth predetermined quality of service level is no longer available therefrom and no communication signals are received from other WTRUs that indicate availability of the third predetermined quality of service level.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Huy Nguyen

*H.D. Nguyen*  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER